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| 10/824,863 | 04/15/2004 | Christian Riedl | P04,0099 | 7106 |
| 26574 | 7590 | 09/23/2009 | EXAMINER | |
| SCHIFF HARDIN, LLP | | | VO, QUANG N | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/824,863 | RIEDL, CHRISTIAN | |
| | Examiner | Art Unit | |
| | Quang N. Vo | 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 July 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-44 and 48-63 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 and 57-60 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33-36, 41-44, 48-56 and 61-63 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-36, 41, 52-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Bean (US 4,477,218).

Regarding claim 33, Bean discloses a method to offset stack pages of successive print or copy jobs that are supplied to a page output unit as a page stream (e.g., offset stack pages of successive print or copy jobs, figure 12), comprising the steps of: providing a page acceptance region (e.g., tray 56 (page acceptance region), figure 9) that is bordered by first and second stoppers (e.g., the fixed wall 58 (first stopper), figure 10 and the flat face 76 (second stopper), figure 11), stoppers each including a front wall (e.g., the fixed wall 58, figure 10) and a side wall arranged at a right angle to the front wall (e.g., guide plate 176 (side wall), figure 9); stacking pages of a first job into first stopper (e.g., as shown in FIG. 9, a first set of sheets 182 is fed into the stacking station 14, column 8, lines 38-39, the fixed wall 58 (first stopper), figure 10); offset stacking pages of a successive second job over pages of preceding first job by

laterally offsetting the pages of the successive second job into second stopper with respect to the pages of the preceding first job (e.g., figure 11 with second job over first job by offsetting the pages with flat face 76 (second stopper), figure 11); and mechanically fixing at first stopper only an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job without applying pressure on pages of the second job with mechanical fixing (e.g., component 76 (mechanically fixing at first stopper only an uppermost page of the first job..., figure 11); offset stacking pages of a successive third job over pages of preceding second job by laterally offsetting the pares of the successive third job into first stopper with respect to the pages of the preceding second job (e.g., third job into first stopper, figure 13); and mechanically fixing at second stopper only an uppermost page of the second job by a continuous downward pressure onto a top surface of uppermost page of the second job after the offset stacking of the pages of the second job and during the offset stacking of all of the pages of the third job without applying pressure on pages of the third job with mechanical fixing (e.g., mechanically fixing component 130 downward pressure onto a top surface of uppermost page of the second job, figure 12).

Regarding claim 34, Bean discloses wherein step of fixing at the first stopper ensues in a region of the uppermost page that is not covered by pages of the second job due to the spatial displacement of the pages of the second job relative to the first job (e.g., figure 11).

Regarding claim 35, Bean discloses wherein step of fixing at the first stopper (e.g., the jogger arms 62 to press downwardly, thereby holding the first set of sheets 182 in place on the tray 56, column 8, lines 65-68) and step of fixing at the second stopper uses downward pressure on the uppermost page at a region of a corner of the respective page (e.g., component 130 (fixing at the second stopper), figure 12).

Regarding claim 36, Bean discloses wherein the respective pressure at the first stopper and at the second stopper is mechanically exerted by a paper hold-down pad (e.g., component 62, figure 11).

Regarding claim 41, Bean discloses wherein said offset stacking ensues in an output device of a printer or copy device (e.g., the discharge station of the stacker preferably is located on a side of the frame opposite the side communicating with the printer, 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 42-44, 48-51, 56, and 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (US 4,477,218) as applied to claim 33 above, and further in view of Williams et al. (Williams) (US 5,951,008).

Regarding claim 42, Bean differs from claim 42 in that he does not disclose the steps of: using a first paddlewheel for stacking of the pages of the first job into first stopper; and using a second paddlewheel for the offset stacking of the pages of the second job into second stopper.

William discloses the steps of: using a first paddlewheel for stacking of the pages of the first job into first stopper (e.g., a left drive wheel 22, figure 1); and using a second paddlewheel for the offset stacking of the pages of the second job into second stopper (e.g., each paper stacker 20 includes a drive wheel, column 2, lines 10-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bean to include disclose the steps of: using a first paddlewheel for stacking of the pages of the first job into first stopper; and using a second paddlewheel for the offset stacking of the pages of the second job into second stopper as taught by William. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bean by the teaching of William to stack paper faster.

Regarding claim 43, William discloses further comprising the steps of: shifting second paddlewheel and a respective device to mechanically fix the pages along an axle for a format change-over of the pages (e.g., When the stacker wheels 24 switch direction to start stacking a new book 16, the top sheet of paper 12 of the previous book 16 is held in place with static friction between itself and the sheet of paper 12

underneath the top sheet and between itself and the vertical flat surface 36 of the backstop 32, column 3, lines 34-43).

Regarding claim 44, Been and Williams combined disclose wherein respective paddlewheels and a device to mechanically fix the uppermost page are mechanically and rigidly connected with one another (e.g., the stacker wheels are mounted to the framework 54 which can pivot vertically and allow stacker wheels 24 to maintain a constant force on the offset paper stack, column 3, lines 39-43, Williams).

Regarding claim 48, Been discloses wherein the job is a print job the first, second, and third jobs are copy jobs (e.g., the discharge station of the stacker preferably is located on a side of the frame opposite the side communicating with the printer, 21).

Regarding claim 49, Been discloses wherein the first, second, and third jobs are copy jobs (e.g., the discharge station of the stacker preferably is located on a side of the frame opposite the side communicating with the printer, 21).

Regarding claim 50, Been discloses wherein fixing of the uppermost page at the first and second stoppers is performed with a positive pressure, and a respective device to fix the uppermost page includes a valve that is opened and closed under control of a vertical position of the device for fixing (e.g., component 68 control by a valve to activate repetitive device to fix the uppermost page with positive pressure, figure 10).

With regard to claim 51, Williams discloses further comprising the step of: controlling the vertical position of the respective device to fix with a control shaft which

also controls a vertical position of a respective paddlewheel to offset stack the print or copy job, the device to fix and the paddlewheel moving in opposing directions (column 3, lines 39-43).

Referring to claim 52:

Claim 52 is the device claim corresponding to method step in claim 33 with functional steps corresponding directly to the method step elements in claim 33. Therefore claim 52 is rejected as set forth above for claim 33.

Referring to claim 53:

Claim 53 is the device claim corresponding to method step in claim 34 with functional steps corresponding directly to the method step elements in claim 34. Therefore claim 53 is rejected as set forth above for claim 34.

Referring to claim 54:

Claim 54 is the device claim corresponding to method step in claim 35 with functional steps corresponding directly to the method step elements in claim 35. Therefore claim 54 is rejected as set forth above for claim 35.

Referring to claim 55:

Claim 55 is the device claim corresponding to method step in claim 36 with functional steps corresponding directly to the method step elements in claim 36. Therefore claim 55 is rejected as set forth above for claim 36.

With regard to claim 56, Bean does not explicitly disclose wherein the pressure is exerted with elastic force.

Williams discloses wherein the pressure is exerted with elastic force (e.g., the stacker wheels 24 can pivot vertically and allow the stacker wheels 24 to maintain a constant force on the offset paper stack 14, column 3, lines 39-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bean to include wherein the pressure is exerted with elastic force as taught by William. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Bean by the teaching of William to fix bundle of paper.

Referring to claim 61:

Claim 61 is the device claim corresponding to method step in claim 42 with functional steps corresponding directly to the method step elements in claim 42. Therefore claim 61 is rejected as set forth above for claim 42.

Referring to claim 62:

Claim 62 is the device claim corresponding to method step in claim 43 with functional steps corresponding directly to the method step elements in claim 43. Therefore claim 62 is rejected as set forth above for claim 43.

Referring to claim 63:

Claim 63 is the device claim corresponding to method step in claim 44 with functional steps corresponding directly to the method step elements in claim 44. Therefore claim 63 is rejected as set forth above for claim 44.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Vo whose telephone number is (571)270-1121. The examiner can normally be reached on 7:30AM-5:00PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Q. N. V./
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625